

James M Reinach, LMHC MCAP NCC SAP

## Consent for Technology Assisted Counseling/Online Counseling

The purpose of this document is to inform you, the client, about many aspects of online counseling services: the process, the counselor, the potential risks and benefits of services, safeguards against those risks, and alternatives to online services. Please read this entire document and indicate you have read and understand its contents.

### A. Possible misunderstandings

The client should be aware that misunderstandings are possible with telephone, text-based modalities such as email, and real-time internet chat, since nonverbal cues are relatively lacking. Even with video chat software, misunderstandings may occur, since bandwidth is always limited and images lack detail. Counselors are observers of human behavior and gather much information from body language, vocal inflection, eye contact, and other non-verbal cues. If you have never engaged in online counseling before, have patience with the process and clarify information if you think your counselor has not understood you well. Be patient if your counselor asks periodically for clarification as well.

### B. Turnaround time

Using asynchronous (not in "real time") communication such as email entails a "lag" of response. The counselor will make every effort to respond to email requests within a 12 to 24-hour period. If the client is in a state of crisis or emergency, the counselor recommends the client contact a crisis line or an agency local to the client. Clients may also utilize 1-800-SUICIDE or 1-800-273-TALK (For the Deaf: 1-800-799-4TTY).

**C. Privacy:** Privacy of the counselor Although the internet provides the appearance of anonymity and privacy in counseling, privacy is more of an issue online than in person. The client is responsible for securing their own computer hardware, internet access points, chat software, email and passwords. The counselor has a right to his or her privacy and may wish to restrict the use of any copies or recordings the client makes of their communications. Clients must seek the permission of the counselor before recording any portion of the session and/or posting any portion of said sessions on internet websites such as Facebook or YouTube.

### D. Potential benefits

The potential benefits of receiving mental health services online include both the circumstances in which the counselor considers online mental health services appropriate and the possible advantages of providing those services online. For example, the potential benefits of email may include:

(1) being able to send and receive messages at any time of day or night; (2) never having to leave messages with intermediaries; (3) avoiding not only intermediaries, but also voice mail and "telephone tag"; (4) being able to take as long as one wants to compose, and having the opportunity to reflect upon, one's messages; (5) automatically having a record of communications to refer to later; and (6) feeling

less inhibited than in person. Text-based chat has many of the same advantages of convenience, feeling reduced scrutiny from the counselor, having time to compose a response and being able to refer back to the chat log for reference. Video chat is also convenient, allowing clients to potentially be counseled from anywhere once they can gain an internet signal and operate the necessary hardware.

#### E. Potential risks

There are various risks related to electronic provision of counseling services related to the technology used, the distance between counselor and client, and issues related to timeliness. For example, the potential risks of email based counseling may include (1) messages not being received and (2) confidentiality being breached through unencrypted email, lack of password protection or leaving information on a public access computer in a library or internet café. Messages could fail to be received if they are sent to the wrong address (which might also be a breach of confidentiality) or if they just are not noticed by the counselor. Confidentiality could be breached in transit by hackers or Internet service providers or at either end by others with access to the client's account or computer. People accessing the internet from public locations such as a library, computer lab or café should consider the visibility of their screen to people around them. Position yourself to avoid peeping by those around you. Using cell phones can be risky in that signals are scrambled but rarely encrypted.

#### F. Safeguards

Your counselor has selected an email account with encryption capabilities and an account with ZOOM for HIPAA compliant video and chat based communications to allow for the highest possible security and confidentiality of the content of your sessions. Also a HIPAA compliant secure telephone number (813-639-8629) is available for secure telephonic counseling. Your personal information is encrypted and stored on a secure server. The client is responsible for creating and using additional safeguards when the computer used to access services may be accessed by others, such as creating passwords to use the computer, keeping their email and chat IDs and Passwords secret, and maintaining security of their wireless internet access points (where applicable). Please discuss any such concerns with your counselor early in your first session so as to develop strategies to limit risk.

#### G. Alternatives

Online counseling may not be appropriate for many types of clients including those who have numerous concerns over the risks of internet counseling, clients with active suicidal/homicidal thoughts, and clients who are experiencing active manic/psychotic symptoms. An alternative to receiving mental health services online would be receiving mental health services in person. The online counselor can and will assist clients who would like to explore face-to-face options in their area. Many state and local agencies will treat low-income clients on a low or no-fee basis. Please feel free to request a referral any time you think a different counseling relationship would be more practical or beneficial for you.

#### H. Proxies

The counselor only treats clients who are legally in a position to consent for themselves to receive mental health services. Clients who are not in such a position include children under the age of consent (18 in most cases) or clients who have a legally appointed guardian. Also, the counselor only treats clients within the State of Florida.

I. Confidentiality

Maintaining client confidentiality is extremely important to the counselor and the counselor will take care and consideration to prevent unnecessary disclosure. Information about the client will only be released with his or her permission with the exceptions of the following cases: 1) If a counselor believes that someone is seriously considering and likely to attempt suicide; 2) If a counselor believes that someone intends to assault another person; 3) If a counselor believes someone is engaging or intends to engage in behavior which will expose another person to a potentially life-threatening communicable disease; 4) If a counselor suspects abuse, neglect, or exploitation of a minor or of an incapacitated adult; 5) If a counselor believes that someone's mental condition leaves the person gravely disabled.

J. Records

The counselor will maintain records of online counseling services. These records can include reference notes, copies of transcripts of chat and internet communication and session summaries. These records are confidential and will be maintained for seven years as required by applicable legal and ethical standards according to the American Counseling Association. The client will be asked in advance for permission before any audio or video recording will occur on the counselor's end.

K. Procedures

The counselor might not immediately receive an online communication or might experience a local backup. If the client is in a state of crisis or emergency, the counselor recommends contacting a crisis line or an agency local to the client. Clients may utilize the following crisis hotlines: • 1-800-SUICIDE • 1-800-273-TALK • For the Deaf: 1-800-799-4TTY. Work with your counselor to identify local resources if you have concerns about the timeliness of responses.

L. Payments

All payments will be processed through credit card.

M. Disconnection of Services If there is ever a disruption of services on the internet then the client will need to call 813-629-6890.

\_\_\_\_\_(initial) I have read and understand this Consent for Technology Assisted Counseling/Online Counseling

Signature\_\_\_\_\_

Full Name\_\_\_\_\_

Date\_\_\_\_\_